

**1400.8601 SUBPOENAS.**

Subpart 1. **Requests.** A party may obtain a subpoena to compel the attendance of a witness or the production of documents by submitting a written request to the administrative law judge. The request shall indicate the name and address of the person upon whom the subpoena will be served; a brief statement of the potential relevance of the testimony or documents sought; and, if the subpoena request is for the production of documents, the requested documents should be identified with specificity.

Subp. 2. **Service.** Subpoenas shall be served personally in the manner provided in part 1400.8545. They shall not be served by mail. The witness fees applicable in the district courts pursuant to Minnesota Statutes, section 357.22, shall apply and shall be paid to the potential witness at the time of service.

Subp. 3. **Objection to a subpoena.** Any person served with a subpoena may file an objection to the subpoena with the administrative law judge. The objection shall be filed promptly, and in any event at or before the time specified in the subpoena for compliance. The administrative law judge shall cancel or modify a subpoena that is unreasonable or oppressive, taking into account the issues or amounts in controversy, the costs or other burdens of compliance compared to the value of the testimony or evidence to a party's case, and any alternative methods of obtaining the desired testimony or evidence. Modification may include requiring the party requesting the subpoena to pay reasonable costs of producing documents, books, papers, or other tangible things.

**Statutory Authority:** *MS s 14.51; 15.474; 116C.66; 216E.16*

**History:** *9 SR 2276; L 1984 c 640 s 32; 15 SR 1595; 26 SR 391*

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